

Notice of Allowability

Application No.

10/060,044

Examiner

Frantzy Poinvil

Applicant(s)

SUTTON ET AL.

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 9/28/05.
2. ☒ The allowed claim(s) is/are 15,17-19,23-26,28-30 and 34-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/08/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 11/16/05 & 9/26/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628

DETAILED ACTION

Allowable Subject Matter

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

As per claim 15, line 19, the first occurrence of a "a" has been changed to - -said- -. On lines 19-20, "on a computing device" has been deleted.

As per claim 26, line 23, "purchase" has been changed to - -purchasing- -. Also, on line 26, "purchase" has been changed to - -purchasing- -.

As per claim 28, line 1, "apparatus" has been changed to - -system- -. Also, on line 1, "purchase" has been changed to - -purchasing- -.

As per claim 29, line 1, "apparatus" has been changed to - -system- -.

As per claim 30, line 1, "apparatus" has been changed to - -system- -. Also, on line 2, "purchase" has been changed to - -purchasing- -.

As per claim 34, line 1, "apparatus" has been changed to - -system- -.

As per claim 35, line 1, "apparatus" has been changed to - -system- -.

As per claim 36, line 3, "purchase" has been changed to - -purchasing- -.

As per claim 37, line 2, "purchase" has been changed to - -purchasing- -.

As per claim 38, line 14, the first occurrence of "a" has been changed - -said- -. Also on lines 14-15, "on a computing device" has been deleted.

Authorization for this examiner's amendment was given in a telephone interview with Timothy D. MacIntyre on November 16, 2005.

2. The following is an Examiner's Statement of Reasons for Allowance:

The prior art taken alone or in combination fails to teach or suggest:

Maintaining an association of which unfunded cash cards are sent to which retail outlets in a data file by executing a software-implemented application on a computing device prior to the purchase of the cash card wherein the data file indicated that the card has not been funded and activating the cash card after the funding, when the retail outlet to which the given card was funded matches the retail outlet to which the cash card was sent to by the card manufacturer as indicated by the data file as recited in independent claim 15.

The prior art taken alone or in combination failed to teach or suggest "a retail outlet for receiving at least one of the unfunded cash cards, the retail outlet funding a cash card upon purchase of the cash card for a purchase price by a purchaser but without selection of an identifier of the purchaser, wherein the purchase by the purchaser causes the purchasing authority to update the data file with a value for the cash card substantially contemporaneously with funding of the cash card at the retail outlet and registration of the cash card after funding by the purchaser with the purchasing intermediary causes activation of the cash card when the retail outlet at which the cash card was funded matches the retail outlet to which the cash card was sent to as indicated by the data file" as recited in independent claim 26.

The prior art taken alone or in combination failed to teach or suggest maintaining an association between a cash card and retail outlet and activating the cash card after said funding

by checking in the data file that the retail outlet to which the cash card was sent matches the retail outlet at which the cash card was funded as recited in independent claim 38.

Bennion, "The Debit Card's Expanding Frontiers", Credit Card Management, pg. 61-62, May 1998, Dialog File 268, Accession No. 00335930.

"Visa, MasterCard Square off for Debit Fight", American Banker, Pg. 3, Vol. 153, No. 247, December 20, 1988, Dialog file 625, Accession No. 0094030.

Bennion or the article entitled "Visa, MasterCard Square off for Debit Fight" failed to teach or suggest the above noted features found in respective claims 15, 26 and 38.


Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The Examiner's supervisor, Sam Sough can be reached at (571) 272-6799. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP
December 12, 2005